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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,887	02/12/2004	Amol R. Chitre	112056-0135U	6695
24267	7590	12/28/2006		
CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			EXAMINER LEROUX, ETIENNE PIERRE	
			ART UNIT	PAPER NUMBER
			2161	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/777,887	Applicant(s) CHITRE ET AL.	
	Examiner Etienne P. LeRoux	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Status

Claims 1-59 are pending. Claims 1-59 are rejected as detailed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 6,105,057 issued to Kuftedjian et al (hereafter Kuftedjian)..

Claim 1:

Kuftedjian discloses:

means for identifying a dependency upon the set of PCPIs [Fig 2, exclusively access network objects and resources, col 5, lines 1-5, the snapshot is equivalent to telephone information which is entered into a plurality of corporate directories, col 4, lines 28-36];

means for creating a set of soft locks, each soft lock in the set of soft locks associated with each of the PCPIs in the set of PCPIs [Table 1 is equivalent to softlock, col 5, lines 40-55, RDS can forcibly unlock mutex having lower priority, col 7, lines 15-20];

means for transmitting the set of soft locks to one or more of the set of computers [Fig 2, col 5, lines 5-25, col 6, lines 5-10, col 6, lines 50-65, col 7, lines 1-10]

Claim 2:

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Kuftedjian discloses herein the set of computers comprises a set of storage appliances
[Fig 1. 155]

Claim 3:

Kuftedjian discloses wherein each soft lock comprises a PCPI identifier field, a type field
and a string field [Fig 3A]

Claim 4:

Kuftedjian discloses wherein the string field comprises user visible information [Fig 3A]

Claim 5:

Kuftedjian discloses wherein the string field identifies an application that depends upon
the PCPI associated with the soft lock [Fig 2, col 5, lines 5-25, col 6, lines 5-10, col 6, lines 50-
65, col 7, lines 1-10]

Claim 6:

Kuftedjian discloses wherein the type field identifies a type of data in the string field [Fig
3A].

Claim 7:

Kuftedjian discloses wherein the type of data comprises an owner name [Fig 3A].

Claim 8:

Kuftedjian discloses wherein the type of data comprises a destination path [col 5, lines 5-
15]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuftedjian in view of Applicant's admitted prior art (hereafter AAPA).

Claim 9:

Kuftedjian discloses the elements of claim 1 as noted above but does not disclose wherein the type of data comprises a qtree name. AAPA discloses wherein the type of data comprises a qtree name [Page 15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuftedjian to include wherein the type of data comprises a qtree name for the purpose of grouping data records according to their frequency of changing.

Regarding claims 10-59, examiner maintains above claims can be rejected over the prior art made of record.

Response to Arguments

Applicant's arguments filed 11/17/2006 have been fully considered but they are not persuasive for the reasons given below.

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Applicant Argues:

Applicant states on page 17:

The Applicants respectfully urge that Kuftedjian is silent concerning the Applicant's claimed "means for identifying a dependency upon the set of PCPIs."

Examiner Responds:

Examiner is not persuaded. The means for identifying a dependency upon the PCPIs (snapshots) is the means for identifying the existence of a softlock (mutex per Kuftedjian) because it is the mutex that results in the dependency of the PCPIs. Kuftedjian discloses the following in column 6, lines 30-40:

Referring now to FIG. 4, a process of implementing a NM request according to the current invention is illustrated at flowchart 400. The RDS element 210 begins the process at Step 405. The RDS element 210 receives and analyzes the NM (lock) request from the DMG element 250 in Step 410. It is determined at Step 415 whether a network mutex already exists for the requested network resource (the SQL server 155 in this example). If not, the RDS element 210 creates a network mutex object in Step 420 for the DMG element 250 of the first client 220. Subsequently at Step 425, a message announcing the establishment of a network mutex is sent to the requesting DMG element 250 over the relevant general network connection 260. The process concludes at Step 430.

Kuftedjian per the above, discloses the RDS element 210 receives and analyzes the NM (lock) request from the DMG element 250 in Step 410. It is determined at Step 415 whether a network mutex already exists for the requested network resource (the SQL server 155 in this example). Kuftedjian's disclosure clearly reads on the claim limitation "means for identifying a dependency upon the set of PCPIs."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday, 8:00 am - 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Etienne LeRoux

12/20/2006

Etienne P. LeRoux
primary examiner